

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK I RESTORATION SVC	:	CIVIL ACTION
	:	JURY TRIAL DEMANDED
vs.	:	
	:	NO. 02-3729
ASSURANCE COMPANY OF AMERICA	:	

ORDER

AND NOW, this day of , 2003, upon consideration of Plaintiff,
Mark I SVC's Motion for Extension of Time Under Rule 6(b)(2), it is hereby;

ORDERED and **DECREED** that Plaintiffs, Mark I SVC' Motion is GRANTED allowing an
enlargement of time in which to file the Notice of Appeal.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK I RESTORATION SVC	:	CIVIL ACTION
	:	JURY TRIAL DEMANDED
vs.	:	
	:	NO. 02-3729
ASSURANCE COMPANY OF AMERICA	:	

MOTION FOR EXTENSION OF TIME UNDER RULE 6(b)(2)

NOW COMES, Plaintiff, Mark I Restoration SVC by and through its authorized counsel of record, Mayers, Mennies & Sherr, LLP and moves this Court for an extension of time in which to file a Notice of Appeal and in support thereof states as follows:

1. This Court entered an Order granting Defendant's Motion to Dismiss and dismissing this matter on March 12, 2003.

2. After receiving the Memorandum of the Court, the undersigned engaged in extensive conversations with his client concerning whether the matter should be appealed.

3. In calculating the time period in which to appeal the matter, the undersigned miscalculated and believed that the Notice of Appeal did not have to be filed until April 12, 2003. Since April 12, 2003 fell on a Saturday, it was recorded in our time management system that an appeal must be filed on April 14, 2003.

4. The Notice of Appeal was filed on April 14, 2003.

5. The undersigned did not realize this error until receiving a letter from Motions Attorney in the Third Circuit Court of Appeals noting that the Court of Appeals may be without jurisdiction as a result of the timing and filing of the Notice of Appeal.

6. Enlargement of time for Notice of Appeal is authorized under Rule 6(b)(2) of the Federal Rules of Civil Procedure.

7. The failure to file the Notice on April 11, 2003 and filing it on April 14, 2003 comes under the definition of excusable neglect.

WHEREFORE, it is requested that this Honorable Court this Motion allowing an enlargement of time in which to file the Notice of Appeal appealing this Court's Memorandum Order granting Defendant's Motion to Dismiss.

Respectfully submitted,

MAYERS, MENNIES & SHERR, LLP

BY: _____
ANTHONY R. SHERR, ESQUIRE
Attorney for Plaintiff

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(610) 825-0300
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CERTIFICATE OF SERVICE

I, Cheryl Zeigler, hereby certify that on the 5th day of May, 2003, a true and correct copy of Mark I Restoration SVC's Motion for Extension of Time Under Rule 6(b)(2), served via first class, regular mail, postage prepaid upon the following:

James W. Christie, Esquire
William F. McDevitt, Esquire
Christie, Pabarue, Mortensen and Young
1880 JFK Boulevard, 10th Floor
Philadelphia, PA 19103
(215) 587-1600

BY: _____
Cheryl Zeigler
Legal Assistant to Anthony R. Sherr